

visited him to buy his pictures. They passed in without question and ascended the gloomy fire-proof staircase built up the south side of the wing of the building. He told the police so, but they had formed a theory of their own. The assassin knew they way well. He might have descended the stairs with the blood money or he may have entered the dormitory to the east, to which he would have access from the hallway, and descended the stairs in the main building.

Before Acting Captain Casey, of the East Sixty-fourth Street Station, arrested Peter Wolf, Edward Eck and Adolph Phandler they compelled the authorities of the institution to silence. But yesterday when the three boys were discharged in the Police Court and the Fitzgerald brothers were charged with the murder, the sag was thrown off and it was shown that the police had persistently neglected to make good use of important evidence offered to them.

The finding of bloody cuffs that had been the property of the Fitzgeralds in a coat in the basement seems to have wholly decided them in their theory that the guilt lay on the brothers. Investigation shows, however, that the cuffs have not been worn by the Fitzgeralds for some time; that they have been wearing a different style of cuff, and that those of the pattern found in the basement had been given to one of the pupils of the institution. Apart from that Principal Greene and his associates can furnish a perfect alibi for James Fitzgerald, accounting for every minute of his time from midday until after 3 o'clock.

William Not in the Building. William did not dine in the home. He went out for his lunch, as was frequently his custom, and this time he was absent from the institution, the police declare. It is most suspicious. It was during that interval that the murder was committed. G. Korn, who keeps a bakery and lunch room at No. 1189 Third Avenue, is almost positive that William was in his place shortly after midday and that he remained at lunch there for about fifteen minutes. Mr. Korn will visit the Yorkville Police Court this morning for the purpose of making the identification.

The authorities of the home are indignant that the brothers are under arrest, and express their full belief in their innocence. That they should assault Professor Eglau either for personal motives or for money is wholly beyond credibility. The boys are the sons of a rich man, and have had every advantage that money could procure for them. Then again, they were not pupils of Professor Eglau. Nor had they ever had at any time any difference with him. They are gentle, well behaved boys, says Principal Greene. William was admitted on September 10, 1888, and James four days afterward. Dr. Henry Currier, principal of the Institute for the Instruction of the Deaf and Dumb in One Hundred and Sixty-second street, who had the brothers under his care for a short time, adds his testimony as to their good disposition.

But the brothers are charged with murder. What the police have failed to do their mother has done. It is an excellent piece of detective work, and makes a remarkable narrative.

"There was blood all over the model room," said Mr. Green, "the most desperate struggle must have taken place in the further end of it and where he fell at last there was a large pool of blood. Coroner Fitzpatrick said that the murderer must have taken away some blood on his hands. It is a scientific fact that the stains cannot be eradicated from a surface. And there is every reason to believe that some of it must have got on the shoes of the murderer's shoes. The shoes of the Fitzgeralds were examined last night when they were arrested. There was no stain on them.

"The Professor undoubtedly was attacked while in his studio and retreated out of the room, intending to escape to the hallway, never reached it."

One Man Did the Deed. Though the location and the nature of the murdered man's wounds might indicate that he was beset at the same time by two persons, the evidence is that one did the deed. That he ascended the escape and thus gained access to the studio, where the Professor was sitting, is deemed improbable. Such a course would be greatly open to detection. There were a few blood stains under the window. Eglau, however, was probably first struck from behind. Then he turned upon his assailant and the life and death struggle began.

"We can fully account for the time of James Fitzgerald," said he, "between 12 m. and 3:15. At 12 o'clock he marched to the dressing-room and sat at the head of the table, where he waited the Supervisor in taking care of the little boys. At 12:30 he went out with the other boys to the play-room. He remained there with two supervisors and boys until the school bell rang at 1:15. From that time until 3:15 he never left the room.

Peter Wolf's father yesterday was debating whether he would sue the city for \$40,000 damages for the false imprisonment of his boy. He considers the evidence on which his son was held as most trivial. Professor Eglau will be buried to-day.

MOTHER AS A DETECTIVE.

Mrs. Fitzgerald Finds Facts About the Bloody Cuffs Tending to Prove Her Boy's Innocence.

After the release by the police of Adolph Phandler, the tallest and strongest of the trio first in custody, it was discovered that certain circumstances appeared to have a strong bearing against the Fitzgeralds had been entirely misunderstood. Friends of the brothers now aver it was Phandler and not either of the paper makers' sons who had been wearing the cuffs and carrying the handkerchief found covered with blood and hidden away in the annex to the institution for the improved instruction of Deaf Mutes. The mother of the Fitzgerald boys did most of the detective work that so strongly tended to relieve her afflicted sons of the charges brought against them.

"I have cleared away this terrible cloud," said Mrs. Fitzgerald yesterday, in describing her work as a detective. "There did not need to be any proof to convince me, of course, that my sons were innocent, but I could not understand how they had become mixed up in the matter by the police. I have seen the bloody cuffs, and now I understand it all.

Mr. Nuber's Suggestion. "The first thing this morning Francis W. Nuber called to see me. Mr. Nuber is a mute, and for a time he was a teacher in the school, where the boys have been living. He told me that my son Willie about a year ago gave some of his men to Phandler, one of those boys who was arrested. I now remember that my son did give some collars, cuffs and handkerchiefs to some boy at the school seven or twelve months ago. It has come back to me now, and I remember

when he gave the cuffs away and why he did it.

"I have now learned that my son's valise was rifled while at the school on Monday and a small revolver was stolen from it. This is not the first time his things have been taken at the school, but I think this was done expressly to throw the blame for the Professor's murder where it did not belong."

The murder of Professor Eglau occurred on Monday, a little after noon. The preceding Saturday Willie Fitzgerald left home to spend Sunday at Pelham Manor, where he had gone visiting many times before. In the suburbs was with the family of Joseph H. Bend, stationer, of No. 51 Fulton street. James M. Fitzgerald, the father of the mutes, is in the paper manufacturing business and he and Bertine are close friends, both socially and in business. Fitzgerald is the man who buys large quantities of daily newspapers after they are returned. He refers to himself as "the largest subscriber of the dailies." He was one of the men caught in the big Staten Island deal and was a witness against Brastus Wiman. Fitzgerald had gone to North Carolina for his health, and before departing he had Bertine to do everything he could for his poor boys. It was in fulfillment of the promise then made that Willie was invited to Pelham Manor.

Before the mute left to visit at Mr. Bertine's house, he and his mother packed the valise he was to take with him. Willie took his camera, his exercise book, toilet articles, a change of linen and a small revolver, belonging to his younger brother Howard. The barrels of the revolver were stuffed with cotton, but Willie took it along because he said he might want to shoot at a mark while in the country.

Were Link and Button Cuffs. As the boy himself says, as his mother says, as Mrs. Bertine, who helped to pack his valise when he left Pelham Manor, says, the cuffs he carried with him were also link cuffs. The cuffs he wore were also link cuffs. The boy wrote yesterday: "I wear cuffs that I can fasten with my diamond link. I don't like any other kind."

The bloody cuffs, the ones that detectives found and that resulted in the arrest of the two Fitzgerald boys, were not link cuffs, but button cuffs. They fasten and had been fastened with the ordinary single button—such a button as was found broken in the mutes' studio after the struggle that ended in the Eglau tragedy.

Willie Fitzgerald arrived at Pelham Manor Saturday evening and did not leave there until Monday morning. Mr. Bertine, when seen yesterday morning at Yorkville Police Court, said:

"I can swear positively that the boy was at my house from Saturday evening to Monday morning. He was very welcome. We like him and wanted to have him stay longer, but he was anxious to get back to his lessons. While he was at my house he spoke of trying to shoot at a mark with his brother's pistol, but we told him it was too cold, and it would be better to wait until the birds were flying."

On his return Monday morning the mute went directly to his school, at Lexington Avenue and Sixty-seventh street, instead of to his home, No. 87 West Ninety-seventh street. This is stated by the boy and corroborated by teachers, mute pupils and others who saw him enter the institution that morning. He went in with the valise he had had with him at Pelham Manor and hung the valise in the small room on the basement floor provided as a dressing room for day pupils.

Valise Open, the Pistol Gone. They boy wrote yesterday that when he returned to the dressing room at 4 o'clock in the afternoon he found that his valise had been opened, and on looking over its contents, discovered that the revolver was gone. Mrs. Fitzgerald said yesterday that when Willie came home Monday evening he told her about losing the revolver, and told her that Professor Eglau had been taken very sick. He did not tell her the artist had been murdered. All these points are explained by the statement of Professor Dwight Lohrhop Elmendorf, who teaches the highest class in the institution for Deaf Mutes.

"The rifling of the valise does not seem strange to me," said Professor Elmendorf. "I can understand the matter, although I cannot clearly explain it. I need only say that this is not the first time such things have been done in the school. These Fitzgerald boys are rich, and many of the other boys are very poor. There has always been more or less jealousy over this. The Fitzgerald boys have been bothered many ways, particularly the boy Willie, who has the fits. On one occasion Willie had a costly overcoat hanging in that dressing room the same room where the valise was. In the evening when the boy went to get his coat he found it had been deliberately slit with a sharp knife all down the back. The coat had been literally cut in two. The only purpose the person who did it could possibly have had was to inflict injury upon young Fitzgerald.

"I can make the statement of this to his mother about Professor Eglau's meiss perfectly plain. The explanation in itself will indicate one of the reasons I have for declaring these Fitzgerald boys innocent. Tender and Excitable Boys. "Deaf mutes, even as old as these boys are, are just like children in the primer class. I might better say, perhaps, that they are like lambs. At the least thing they get nervous, trembling, and excited. At 2:30 o'clock Monday afternoon, when I was teaching the class in which the Fitzgerald boys were, Principal Greene came running all excited and said very loudly: 'Come here, quick!' From the way he spoke I concluded there was a fire. The boys say I turned white. The whole class was upturned in a twinkling. Many pupils started toward the door. I raised my hand and commanded, 'Sit down, all of you.' They dropped into seats instantly. It is perfect command that I have over them. I then went to the principal, and he told me that Professor Eglau was lying upstairs with his head in a pool of blood. I concluded that the old man had been taken suddenly ill, had fallen and struck his head against something. I returned to the class, and told them that Professor Eglau was very ill, and dismissed them, saying there would be no more lessons. I then went upstairs and as soon as I looked at the body I knew that the professor had been murdered.

Kept from the Pupils. The doors to the part of the building where the studio is were immediately closed and kept closed. The greatest pains were taken to keep the truth from the pupils and many of them went home without knowing what was really the matter. The next morning the Fitzgerald boys and others ran up to me, pointing to the articles in the papers and saying, 'You said the Professor was ill.' They spoke this almost with horror, and I could see that they were troubled by the thought that I had told a lie. I am just as sure of the innocence of the Fitzgerald boys as I am of my own innocence. To them a lie is horrible. This is the way they have been brought up."

The revolver which young Fitzgerald brought to the school in his valise was found that night with the bloody handkerchief and the pair of bloody cuffs. No body had been found yesterday to say that they had seen the handkerchief, which has a red border, in the possession of any one of the students. Mrs. Fitzgerald said positively that she had never bought a handkerchief with a border for her boys in her life. The mother buys all the shirts, collars and cuffs for her sons and has done so for years. The two mute boys, though one of them is twenty years old and the other eighteen, are treated at home as if they were the very children. They are given all the money they want, but it is as spending money to buy sweetmeats, skates and such articles as boys like. The boys have always been given all the money they cared to have and really more than they wanted. They were the only pupils in the school treated in that manner.

An examination of the two styles of cuffs worn by the Fitzgerald boys was made yesterday. A cuff exactly like the bloody cuffs hidden under the studio at the institution was found in the attic at the Fitzgerald home by the mother yesterday. Mrs. Fitzgerald bought a lot of the cuffs about a year ago. The laundry mark in the cuff she found was exactly the mark in the cuffs put to you? A—Yes, sir; some of them.

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